

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DELFINO VICTORIANO, individual and on behalf of
others similarly situated,

Plaintiff,

-v-

TAISHO, INC. (d/b/a OH TAISHO), et al.,

Defendant(s).

CIVIL ACTION NO.: 21 Civ. 426 (SLC)

SETTLEMENT APPROVAL

SARAH L. CAVE, United States Magistrate Judge.

The parties in this wage-and-hour case under the Fair Labor Standards Act (“FLSA”) have consented to my jurisdiction under 28 U.S.C. 636(c) and Fed. R. Civ. P. 73 for purposes of reviewing their proposed settlement (ECF No. 29), and have now submitted a joint letter in support of settlement (ECF No. 30) and Settlement Agreement (ECF No. 35) for approval under Cheeks v. Freeport Pancake House, Inc., 796 F.3d 199 (2d Cir. 2015). The parties revised the Settlement Agreement to address the two deficiencies the Court identified in its January 12, 2022 Order. (ECF No. 34).

Courts generally recognize a “strong presumption in favor of finding a settlement fair” in FLSA cases like this one, as courts are “not in as good a position as the parties to determine the reasonableness of an FLSA settlement.” Souza v. 65 St. Marks Bistro, No. 15 Civ. 327 (JLC), 2015 WL 7271747, at *4 (S.D.N.Y. Nov. 6, 2015) (citation omitted). Having carefully reviewed the joint letter in support of settlement, the Settlement Agreement and accompanying exhibits, the Court finds that all of the terms of the proposed settlement, including the allocation of attorneys’ fees and costs, appear to be fair and reasonable under the totality of the circumstances and in light

of the factors enumerated in Wolinsky v. Scholastic Inc., 900 F. Supp. 2d 332, 335 (S.D.N.Y. 2012).

Accordingly, the Court approves the settlement.

This action is dismissed with prejudice and without costs except as may be stated in the Settlement Agreement. The Court will retain jurisdiction to enforce the Settlement Agreement. Any pending motions are moot. The Clerk of Court is respectfully requested to mark ECF No. 35 as “granted,” and close this case.

Dated: New York, New York
May 2, 2022

SO ORDERED.


SARAH L. CAVE
United States Magistrate Judge